



EQUAL EMPLOYMENT OPPORTUNITY OFFICE

Jacqueline Humphrey, Director

September 5, 2013

James Henry  
Utilities Department

Re: EEO Complaint by James Henry

On February 25, 2013, James Henry, (black male) Distribution Supervisor I, pay grade 40 filed a complaint alleging unfair pay practice regarding race and pay discrimination. Mr. Henry alleges that when he asked Russell Thies, Assistant Director (AD) Utilities about being paid the upgrade for performing his supervisor, Robert Seymour, Property and Maintenance Supervisor I, pay grade 43 duties, he was told "No, you don't have the Water Distribution certification; therefore I will not be paying you". Mr. Henry stated that after being directed by Mr. Thies, to perform the duties of his supervisor, if he refused he would be disciplined for insubordination. Mr. Henry stated that when a previous co-worker, Henry Jackson, (white male) Property & Maintenance Supervisor I, pay grade 43, performed the same duties there was no problem with him (Jackson) being paid the upgrade.

**Documents reviewed:**

1. Personnel files of James Henry and Robert Seymour
2. Job descriptions and pay statements (Henry and Seymour)
3. Augusta Utilities Request Work Forms, Orders, Detail Reports and Calls Received By Night Duty Crew and Actions Taken forms
4. Personnel Policy and Procedure Manual (revised 6-7-2000, commission approved)
5. Personnel Policy and Procedure Manual (As approved by the commission 12-6-2011)

This office met with Utilities Director Tom Wiedmeier regarding the allegations. The director reviewed the allegation and requested the opportunity to look into the allegations. Upon his research and acknowledgement of oversight of his AD, the director requested to resolve the allegations. The director provided this office a memorandum dated March 2013, regarding concerns identified, and a request for personnel action with justification (RPA) was submitted to the Human Resources department April 2013. The request for resolution was not met as of September 5, 2013.

*Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex or national origin. The law against compensation discrimination includes all payments made to or on behalf employees as remuneration for employment. All forms of compensation are covered, including salary, overtime pay, bonuses, stock options, profit sharing and bonus plans, life insurance, vacation and holiday pay, cleaning or gasoline allowances, hotel accommodations, reimbursement for travel expenses, and benefits.*

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Augusta 001257



A comprehensive investigation was performed as related to the allegations brought forth in this case. In accordance with Augusta Georgia's EEO Policies and Procedures, the EEO Office issues the following Final Case Findings:

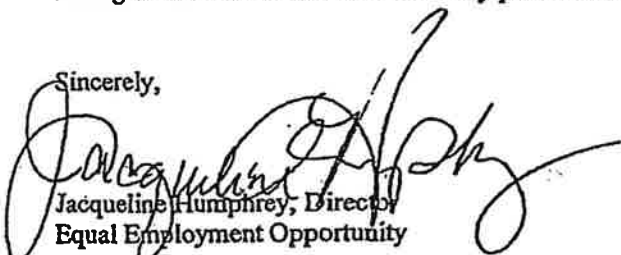
A review of the aforementioned documentation revealed Mr. Henry's allegations were founded. According to the Augusta Richmond County Policy and Procedure Manual (approved 12-6-2011), section 500.118 Temporary Work at a Higher Classification/Provisional Employees and section 500.135 Interim Pay Policy, Mr. Henry inquired within the time lines to address the pay disparity (15 % increase) and for being ordered to perform his supervisor's duties, in his absence or be disciplined for insubordination for not following the directive given by the Assistant Director (Thies).

**Recommendation:**

- Correct management oversight of non-payment for Interim position, P&M Supervisor I, held during the time period May 24, 2010 -February 14, 2013.

Please be informed that you are protected against any form of organizational, administrative or management retaliation due to/or in any part based on participation in or filing an EEO complaint.

Sincerely,



Jacqueline Humphrey, Director  
Equal Employment Opportunity

Attachment

xc: Tom Wiedmeier, Director  
File